

**THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

WRIT PETITION No. 3528 of 2006

Date: 23-06-2006.

Between :

K.Parisuddhama.

.....Petitioner

And

The Government of Andhra Pradesh, rep. by its Principal
Secretary, Home Department & others.

.....Respondents.

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

This is a case in which the petitioner sought for a writ of habeas corpus for production of her husband namely Devadas (hereinafter referred to as 'the detenu'). She claimed that though respondent No.6 registered a case, there was no progress in the investigation. The case had been registered for a missing man under F.I.R. No.3 of 2006.

It is submitted by the petitioner that she was working as labour for digging of wells along with her husband. On 11.01.2006 at 10 a.m., some persons came to her house and took away her husband Devadas and when she enquired from them as to why they were taking away her husband, they claimed that they were celebrating a party in mango gardens near SRSP Canal. The husband of the petitioner

did not return back. Therefore, she filed a report with the Police.

It has been maintained in the counter-affidavit that Police believes that the husband of the petitioner namely Devadas died in an accident. The Sub-inspector of Police submitted that on 13.01.2006, a report was lodged about missing of a person and during the course of investigation, on 14.01.2006, he recorded the statement of the complainant and visited the scene of offence. He examined the eyewitnesses and caused inquiries with them and recorded their statements. His investigation revealed that on 11.01.2006 at about 10-00 hours, the missing person went along with Gudumbha Chinnaiah, Morapalli Shanthaiah, Chandraiah, Mallesh, Gurijala Beemaiah, Gopu Lingayya and others for attending a party. They consumed toddy. After consuming toddy, one by one returned to their houses, and finally at about 16.00 hours, Devadas was returning to home with one Bolla Shanthaiah. Shanthaiah went to attend the calls of nature. After returning, he noticed that Devadas fell into Sri Ram Sagar Canal. Shanthaiah, with a Tractor driver Bontha Shiva, tried to rescue the alleged detainee from the canal, but due to heavy water flow, they could not save him. Later, they searched for the missing person through

the canal upto Lambadipalli, but could not trace either the missing person or his body. The investigating officer seized the pocket diary, shirt, chappal, towel and bicycle belonging to the alleged detenu. Staff was deputed by the investigating officer to search for the alleged detenu. The canal was searched, but neither the body nor the missing person was found and the case is pending investigation.

By our order dated 13.03.2006, we asked the Superintendent of Police, Karimnagar to file a report. He filed a report, in which he stated—

“The Station House Officer, investigated the matter and recorded the statements of the witnesses and the investigation revealed that the husband of the petitioner and others mentioned above consumed toddy and all of them returned to their houses, while the husband of the petitioner and Bolla Shanthaiah were returning home, Shanthaiah went to attend calls of nature, he noticed that the husband of the petitioner fell into Sri Ram Sagar Canal. He along with a Tractor Driver Bontha Shiva tried to rescue him, but could not succeed. A detailed search was also made in and surrounding villages for the missing person, but could not trace out the body.

The petitioner alleged that a boy had witnessed that the persons who were with their husband beat her husband. During the enquiry, the said allegation was found to be

false. It is pertinent to note that the Sarpanch of Thombaraopet stated that he saw one person being washed away in the canal at about 0430 PM on 11.01.06. The suspicion of the petitioner that the persons who were with her husband on that day might have killed is also false. The involvement of said persons is not proved.”

In view of this report of the Superintendent of Police, no further orders can be passed in this writ petition, which is accordingly dismissed.

(BILAL NAZKI, J)

23rd June 2006

(G. CHANDRAIAH, J)

ajr